JENNER & BLOCK

Partner Amanda Shafer Berman Quoted in *Law360* on Proposed Permitting Legislation and Direct Appellate Review for Energy Projects

Publications

October 27, 2026

Partner Amanda Shafer Berman was quoted in *Law360* on how the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA) could change litigation over federal permitting decisions for energy projects. The legislation would send challenges to National Environmental Policy Act (NEPA) reviews directly to the federal circuit court where a project is located, bypassing district courts.

Read More

Drawing on her experience as a former senior lawyer in the environmental defense section of the US Department of Justice's Environment and Natural Resources Division, Amanda noted that circuit courts are familiar with handling large administrative records, making fact-finding concerns unlikely to be a significant obstacle. She also cautioned that the bill's language will need further revision so that parallel challenges arising from the same project stay together, avoiding different courts applying different standards to reach different conclusions.

Related Lawyers



Amanda Shafer Berman
Partner
aberman@jenner.com
+1 202 639 3841

Related Capabilities

Energy

Related Locations

Washington, DC

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed →